



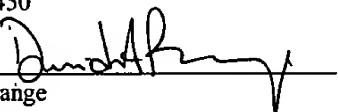
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that on December 31, 2003, which is the date I am signing this certificate, I am depositing this correspondence the United States Postal Service, first class mail, in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
David Prange

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant: CHRISTOPHER SACHSE

Serial No.: 09/471,777

Filed: 12-23-1999

Title: CONTROLLING DATA COLLECTION, MANIPULATION AND STORAGE ON A NETWORK WITH SERVICE ASSURANCE CAPABILITIES

Atty. Docket No.: 060021-331301

Examiner: VU, KIM Y

Group Art Unit: 2172

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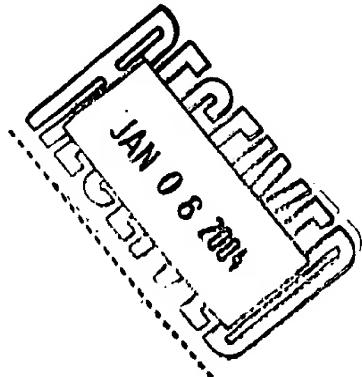
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Technology Center 2100

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.56

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the references listed on the attached Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references may be material to examination of the above-identified application. Please do not construe the filing of this information disclosure statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. § 1.97(h)), or that no other material information exists. We enclose copies of the cited documents within a box herewith.



This Information Disclosure Statement is being submitted:

- 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application, or before the mailing date of a first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114, and therefore, Applicant believes no fee is required;
- 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:
  - (a) A statement that either:
    - (i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

OR

- (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).

- 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:
  - (a) A statement that either:
    - (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

- (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-1901** referencing order number 060021-331301.

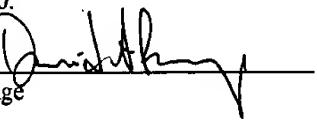
December 29, 2003

  
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Christopher R. Hilberg, Reg. No. 48,740  
Attorney for Applicant

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**PATENT****CERTIFICATE OF MAILING**

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David Prange

**Applicant:** CHRISTOPHER SACHSE**Serial No.:** 09/471,777**Filed:** 12-23-1999**Title:** CONTROLLING DATA COLLECTION, MANIPULATION AND STORAGE ON A NETWORK WITH SERVICE ASSURANCE CAPABILITIES**Atty. Docket No.:** 060021-331301**Examiner:** VU, KIM Y**Group Art Unit:** 2172**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED**

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**DAYCO STATEMENT REGARDING RELATED APPLICATIONS**

Sir:

In the recent case, *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358; 66 U.S.P.Q.2d 1801 (Fed.Cir.2003), the Federal Circuit stated (1) in the context of 37 C.F.R. § 1.56, a co-pending application may be “material” in the prosecution of a patent, even if the co-pending application cannot result in a shorter patent term; and (2) in the context of 37 C.F.R. § 1.56, a contrary decision of another examiner reviewing a substantially similar claim meets the threshold level of materiality.

In light of *Dayco*, Applicant respectfully identifies the following United States patent applications, which are or were co-pending with the present application and may contain similar subject matter as the present application:

Serial No.	Patent No.	Filing Date	Atty. Docket	Title
09/471,935		12-23-1999	060021-331201	DISPATCHING NETWORK EVENT NOTIFICATIONS WHILE IGNORING FALSE ALARMS
09/470,952		12-23-1999	060021-331401	RETRIEVING AND RELOCATING DATA COLLECTED ON A NETWORK WITH SERVICE ASSURANCE CAPABILITIES
09/472,375		12-23-1999	060021-331501	AN ALARM GENERATOR IN A SERVICE ASSURANCE ENVIRONMENT
09/472,139		12-23-1999	060021-331601	MAPPING EVENTS OF A NETWORK WITH SERVICE ASSURANCE CAPABILITIES
09/471,655		12-23-1999	060021-331701	DESIGNING A DATABASE IN A SERVICE ASSURANCE ENVIRONMENT
09/470,958		12-23-1999	060021-331801	GRAPHICALLY CONVEYING ELEMENT, SERVICE AND PROCESS AVAILABILITY IN A SERVICE ASSURANCE NETWORK ENVIRONMENT
09/472,061		12-23-1999	060021-331901	A TIME KEY PRELOADER IN A SERVICE ASSURANCE ENVIRONMENT
09/470,771		12-23-1999	060021-332001	MANIPULATING DATA COLLECTED ON A NETWORK WITH SERVICE ASSURANCE CAPABILITIES
09/324,456		06-02-1999	060021-318501	IP/TELEPHONY USER INTERFACE FOR A HYBRID COMMUNICATION SYSTEM
09/324,981	6,147,975	06-02-1999	060021-318601	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE OF A PROACTIVE THRESHOLD MANAGER IN A HYBRID COMMUNICATION SYSTEM ARCHITECTURE
09/324,365	6,542,593	06-02-1999	060021-318701	A RULES DATABASE SERVER IN A HYBRID COMMUNICATION SYSTEM ARCHITECTURE
09/324,985		06-02-1999	060021-318801	ELEMENT MANAGEMENT IN A HYBRID COMMUNICATION SYSTEM
09/324,246	6,442,547	06-02-1999	060021-318901	INFORMATION SERVICE MANAGEMENT IN A HYBRID COMMUNICATION SYSTEM
09/324,348	6,449,588	06-02-1999	060021-319101	CUSTOMER-DRIVEN QOS IN A HYBRID COMMUNICATION SYSTEM
09/324,363		06-02-1999	060021-319201	DATA MINING DEMONSTRATION IN A HYBRID COMMUNICATION SYSTEM ARCHITECTURE
09/325,015	6,556,659	06-02-1999	060021-319601	SERVICE LEVEL MANAGEMENT IN A HYBRID NETWORK ARCHITECTURE
09/324,572		06-02-1999	060021-319701	USAGE RATING AND QOS DISCOUNTING IN A HYBRID COMMUNICATION ARCHITECTURE
09/325,101	6,426,948	06-02-1999	060021-309801	VIDEO CONFERENCING FAULT MANAGEMENT IN A HYBRID NETWORK
09/324,984	6,081,518	06-02-1999	060021-313501	CROSS-LOCATION REGISTRATION IN A COMMUNICATION SYSTEM ARCHI-

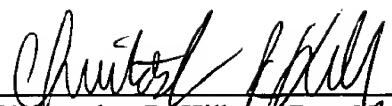
				TECTURE
09/324,982	6,195,697	06-02-1999	060021-313701	PROVIDING A CUSTOMER INTERFACE IN A HYBRID NETWORK AS ALLOWED
09/325,011		06-02-1999	060021-319001	THREE-TIERED CUSTOMER SUPPORT IN A HYBRID COMMUNICATION SYSTEM
09/324,983		06-02-1999	060021-319301	MANAGEMENT OF SERVICE QUALITY IN A HYBRID NETWORK
09/324,571		06-02-1999	060021-319401	DYNAMIC BILLING UTILIZING QUALITY OF SERVICE IN A HYBRID COMMUNICATION SYSTEM ARCHITECTURE
09/324,579		06-02-1999	060021-319801	BILLING INVOICE CREATION AND COLLECTION MANAGEMENT IN A HYBRID NETWORK ARCHITECTURE
09/386,896		08-31-1999	060021-322001	BUYING, SELLING AND TRADING BANDWIDTH IN AN OPEN MARKET
09/387,167		08-31-1999	060021-322101	AUTOMATED NEGOTIATION OF A CONTRACT DURING A TRANSACTION INVOLVING BANDWIDTH
09/386,892		08-31-1999	060021-322201	PROVIDING A CLEARINGHOUSE FUNCTION IN A BANDWIDTH MARKET
09/387,327		08-31-1999	060021-322301	PROVIDING BILLING SERVICES VIA MULTIPLE DISTRIBUTORS IN A CONTENT MARKET
09/324,628		06-02-1999	060021-313601	MANAGING NETWORK DATA IN A HYBRID NETWORK ARCHITECTURE

Applicant brings these applications to the attention of the examiner, or other Office official involved with the examination of the present application. However, please do not construe the filing of this statement as a representation that applicant has made a search, or as an admission that the co-pending applications are, or are considered to be, material to patentability, or that no other co-pending applications exist.

Serial No 09/471,777

Page 4 of 4

December 29, 2003

  
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Substitute for form 1449A/PTO				Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	09/471,777
				Filing Date	12-23-1999
				First Named Inventor	CHRISTOPHER SACHSE
				Art Unit	2172
				Examiner Name	VU, KIM Y
Sheet	1	of	1	Attorney Docket Number	060021-331301

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number -Kind Code <sup>2</sup> (if known)		

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## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
		Country Code <sup>2</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			

## **NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	1	<u>Dayco Statement Regarding Related Applications</u>	
Examiner Signature		Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).<sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.<sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.